

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10487-GAO**

Insituform Technologies, Inc. v. American Home Assurance
Company
Assigned to: Judge George A. OToole, Jr
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 03/10/2004
Date Terminated: 03/31/2008
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Insituform Technologies, Inc.

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V.

Defendant

American Home Assurance Company

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Date Filed	#	Docket Text
03/10/2004	<u>1</u>	COMPLAINT against American Home Assurance Company Filing fee: \$ 150. receipt number 54442, filed by Insituform Technologies, Inc. c/s.(Edge, Eugenia) (Entered: 03/15/2004)
03/10/2004		Summons Issued as to American Home Assurance Company. (Edge, Eugenia) (Entered: 03/15/2004)
03/10/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Edge, Eugenia) (Entered: 03/15/2004)
04/05/2004	<u>2</u>	MOTION for Extension of Time to April 20, 2004 to ANSWER the complaint by American Home Assurance Company.(Lyness, Paul) (Entered: 04/07/2004)
04/06/2004	<u>3</u>	AFFIDAVIT OF SERVICE Executed by Insituform Technologies, Inc.. American Home Assurance Company served on 3/17/2004, answer due 4/6/2004. Acknowledgement filed by Insituform Technologies, Inc.. (Smith3, Dianne) (Entered: 04/09/2004)
04/06/2004	<u>4</u>	SUMMONS Returned Executed American Home Assurance Company served on 3/17/2004, answer due 4/6/2004. (Smith3, Dianne) (Entered: 04/09/2004)
04/07/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>2</u> Motion for Extension of Time (Lyness, Paul) (Entered: 04/07/2004)
04/20/2004	<u>5</u>	ANSWER to Complaint by American Home Assurance Company.(Barrette, Mark) (Entered: 04/23/2004)
04/20/2004		***Attorney Gregory P. Deschenes for American Home Assurance Company added. (Hurley, Virginia) (Entered: 05/10/2004)
05/10/2004	<u>6</u>	MOTION for Partial Summary Judgment by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 05/10/2004)
05/10/2004	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION for Partial Summary Judgment filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 05/10/2004)
05/10/2004	<u>8</u>	AFFIDAVIT of Insituform Technologies in Support re <u>6</u> MOTION for Partial Summary Judgment filed by Insituform Technologies, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A (Part I) to Aff. of Butler# <u>2</u> Exhibit A (Part II) to Aff. of L. Butler# <u>3</u> Exhibit A (Part III) to Aff. of L. Butler# <u>4</u> Exhibit A (Part IV) to Aff. of

		L. Butler# 5 Exhibit B (Part I) to Aff. of L. Butler# 6 Exhibit B (Part II) of Aff. L. Butler# 7 Exhibit C to Aff. of L. Butler)(Martin, Stanley) (Entered: 05/10/2004)
05/10/2004	(9)	NOTICE of Appearance by Gregg A. Rubenstein on behalf of American Home Assurance Company (Rubenstein, Gregg) (Entered: 05/10/2004)
05/20/2004	(10)	Assented to MOTION for Extension of Time to June 23, 2004 to Oppose Motion for Summary Judgment by American Home Assurance Company.(Rubenstein, Gregg) (Entered: 05/20/2004)
05/24/2004	(11)	MOTION for Leave to Appear Pro Hac Vice by Charles L. Philbrick by Insituform Technologies, Inc..(Martin, Stanley) (Entered: 05/24/2004)
05/24/2004	(12)	AFFIDAVIT of Plaintiff in Support re 11 MOTION for Leave to Appear Pro Hac Vice by Charles L. Philbrick filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 05/24/2004)
06/23/2004		* (Entered: 06/23/2004)
06/23/2004	(14)	MEMORANDUM in Opposition re 6 MOTION for Partial Summary Judgment <i>and in Support of Cross-Motion for Summary Judgment</i> filed by American Home Assurance Company. (Rubenstein, Gregg) (Entered: 06/23/2004)
06/23/2004	(15)	STATEMENT of facts re 6 MOTION for Partial Summary Judgment <i>and in Support of Cross-Motion for Summary Judgment</i> . (Rubenstein, Gregg) (Entered: 06/23/2004)
06/23/2004	(13)	Cross-MOTION for Summary Judgment and Opposition to 6 Motion for Partial Summary Judgment by American Home Assurance Company.***This entry was originally #13. Entry was edited for Quality Assurance Purposes. After edit entry will remain #13***(Barrette, Mark) (Entered: 07/08/2004)
06/28/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 10 Motion for Extension of Time, to 6/23/04 to oppose motion for summary judgment (Lyness, Paul) (Entered: 06/28/2004)
07/08/2004	(16)	RESPONSE to Motion re 13 CROSS MOTION for Summary Judgment filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 07/08/2004)
07/08/2004	(17)	RESPONSE to Motion re 13 CROSS MOTION Summary Judgment <i>Insituform's Local Rule 56.1 Response to American Home's Additional Undisputed Material Facts and insituform's Additional Undisputed Material Facts</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 07/08/2004)
07/08/2004	(18)	RESPONSE to Motion re 13 CROSS MOTION for Summary Judgment <i>Insituform's Response to American Home Assurance Company's Cross-Motion for Summary Judgment</i> filed by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit A to Pl's response to Def.'s Cross-Motion for Summary judgment)(Martin, Stanley) Modified on 7/20/2004 (Barrette, Mark). (Entered: 07/08/2004)
07/08/2004	(19)	AFFIDAVIT of Robert L. Kelley in Opposition re 13 CROSS MOTION for Summary Judgment filed by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit A-1 to Kelley Affidavit# 2 Exhibit A-2 to Kelley Affidavit# 3 Exhibit A-3 to Kelley Affidavit# 4 Exhibit Exhibit A-4)(Martin, Stanley) (Entered: 07/08/2004)
07/19/2004	(20)	RESPONSE to Motion re 13 MOTION for Summary Judgment <i>Corrected Insituform's Local Rule 56.1 Response to American Home's Additional Undisputed</i>

		<i>Material Facts and Insituform's Additional Undisputed Material Facts</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 07/19/2004)
07/23/2004	<u>21</u>	MOTION for Leave to File <i>Reply Brief</i> by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit A)(Rubenstein, Gregg) (Entered: 07/23/2004)
07/30/2004	<u>22</u>	MEMORANDUM in Opposition re <u>21</u> MOTION for Leave to File <i>Reply Brief</i> <i>Memorandum in Opposition to American Home's Motion for Leave to File a Reply Brief</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 07/30/2004)
07/30/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>11</u> Motion for Leave to Appear Pro Hac Vice Added Charles Philbrick for Insituform Technologies, Inc., (Barrette, Mark) (Entered: 07/30/2004)
11/12/2004		NOTICE of Hearing on Motion <u>6</u> MOTION for Partial Summary Judgment, <u>13</u> MOTION for Summary Judgment: Motion Hearing set for 12/20/2004 02:00 PM in Courtroom 9 before George A. O'Toole Jr.. Please mark your calendars accordingly. cc/cl(Lyness, Paul) (Entered: 11/12/2004)
12/15/2004	<u>23</u>	Assented to MOTION to Continue Hearing on Summary Judgment Motions to January 2005 by American Home Assurance Company.(Rubenstein, Gregg) (Entered: 12/15/2004)
12/16/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>23</u> Motion to Continue (Lyness, Paul) (Entered: 12/16/2004)
12/16/2004		NOTICE of Hearing on Motion <u>6</u> MOTION for Partial Summary Judgment. <u>13</u> MOTION for Summary Judgment: Motion Hearing set for 1/19/2005 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 12/16/2004)
01/19/2005		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing held on 1/19/2005 re <u>13</u> MOTION for Summary Judgment filed by American Home Assurance Company,, <u>6</u> MOTION for Partial Summary Judgment filed by Insituform Technologies, Inc.. The court takes the matter under advisement. Defendant's motion for Leave to File (# 21) is GRANTED nunc pro tunc in open court (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 01/20/2005)
01/20/2005		Motions terminated: <u>21</u> MOTION for Leave to File <i>Reply Brief</i> filed by American Home Assurance Company,. (Lyness, Paul) (Entered: 01/20/2005)
03/30/2005	<u>24</u>	Judge George A. O'Toole Jr.: ORDER entered. MEMORANDUM AND ORDER- Accordingly, Insituform's motion for partial summary judgment is granted with respect to count two, seeking a declaration as to the proper construction of the terms of Endorsement No. 4 of the insurance policy, and American Home's motion is granted with respect to count three of the complaint. The respective cross-motions are denied in all other respects. Motions terminated: <u>6</u> MOTION for Partial Summary Judgment filed by Insituform Technologies, Inc.. <u>13</u> MOTION for Summary Judgment filed by American Home Assurance Company..(Lyness, Paul) (Entered: 03/31/2005)
04/07/2005	<u>25</u>	MOTION for Reconsideration re <u>24</u> Memorandum & ORDER,, Terminate Motions,, by American Home Assurance Company.(Rubenstein, Gregg) (Entered: 04/07/2005)

04/20/2005	(26)	Assented to MOTION for Extension of Time to April 28, 2005 to File Response/Reply to <i>Defendant's Motion for Reconsideration</i> by Insituform Technologies, Inc..(Martin, Stanley) (Entered: 04/20/2005)
04/22/2005		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 26 Motion for Extension of Time to File Response/Reply re 26 Assented to MOTION for Extension of Time to April 28, 2005 to File Response/Reply to <i>Defendant's Motion for Reconsideration</i> Responses due by 4/28/2005 (Lyness, Paul) (Entered: 04/22/2005)
04/22/2005	(27)	MOTION for Leave to File <i>Supplement the Record</i> by Insituform Technologies, Inc..(Martin, Stanley) (Entered: 04/22/2005)
04/22/2005	(28)	STATEMENT OF COUNSEL of Plaintiff <i>Supplemental Local Rule 56.1 Statement</i> by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 04/22/2005)
04/22/2005	(29)	AFFIDAVIT of Plaintiff <i>Supplemental Affidavit of Robert Kelley</i> by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit A to Supplemental Affidavit of Robert Kelley# 2 Exhibit B to Supplemental Affidavit of Robert Kelley)(Martin, Stanley) (Entered: 04/22/2005)
04/25/2005	(30)	RESPONSE to Motion re 25 MOTION for Reconsideration re 24 Memorandum & ORDER,,, Terminate Motions,, <i>Insituform's Response to American Home's Motion for Reconsideration of the Court's Memorandum and Order dated March 30, 2005</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 04/25/2005)
04/28/2005	(31)	Assented to MOTION for Leave to File <i>Reply</i> by American Home Assurance Company.(Deschenes, Gregory) (Entered: 04/28/2005)
04/28/2005	(32)	Opposition re 27 MOTION for Leave to File <i>Supplement the Record</i> filed by American Home Assurance Company. (Deschenes, Gregory) (Entered: 04/28/2005)
10/27/2005		Judge George A. O'Toole Jr.: ElectronicORDER entered granting Nunc Pro Tunc 31 Motion for Leave to File (Lyness, Paul) (Entered: 10/27/2005)
01/09/2006	(33)	NOTICE of Scheduling Conference Scheduling Conference set for 1/30/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 01/09/2006)
01/23/2006	(34)	JOINT STATEMENT of counsel <i>Joint Statement of the Parties Pursuant to Fed. R. Civ. P. 16 and L.R. 16.1 (Certificate of Service is the last page of this 3-page submittal)</i> . (Martin, Stanley) Modified on 1/24/2006 (Edge, Eugenia). (Entered: 01/23/2006)
01/23/2006	(35)	CERTIFICATE OF CONSULTATION <i>Pursuant to LR 16.1(D)(3)</i> by Gregg A. Rubenstein on behalf of American Home Assurance Company. (Rubenstein, Gregg) (Entered: 01/23/2006)
01/27/2006	(36)	CERTIFICATION pursuant to Local Rule 16.1 <i>Rule 16.1(D)(3) (also, Certificate of Service is on page 2 of document)</i> by Insituform Technologies, Inc..(Martin, Stanley) (Entered: 01/27/2006)
01/30/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Scheduling Conference held on 1/30/2006. The court takes both motions. #25 and #27 under advisement. The joint statement submitted by counsel is adopted through 6/30/06. Status Conference set for 7/12/2006 02:00 PM in Courtroom 9

		before Judge George A. O'Toole Jr.. (Court Reporter Marie Cloonan.) (Lyness, Paul) (Entered: 01/30/2006)
05/11/2006	(37)	Assented MOTION to Amend Scheduling Order/ <i>Case Schedule</i> by Insituform Technologies, Inc..(Martin, Stanley) Modified on 5/12/2006 (Edge, Eugenia). (Entered: 05/11/2006)
05/12/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>37</u> Motion to Amend (Lyness, Paul) (Entered: 05/12/2006)
05/12/2006		Set Deadlines/Hearings: Plaintiff to disclose its expert witnesses and provide Rule 26 reports by 5/22/06; Parties to conclude written discovery by 5/31/06; Defendant to disclose expert witnesses and provide Rule 26 reports by 7/21/06. Discovery to be completed by 8/31/2006. Status Conference set for 9/14/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 05/12/2006)
05/24/2006	(38)	Judge George A. O'Toole Jr.: Electronic ORDER entered. MEMORANDUM AND ORDER. "...In sum, the present motion asks me to "reconsider" a ruling I did not make. It does provide the occasion for clearing up the misunderstanding, however, and to that extent the motion, treated as one for clarification, is GRANTED. cc/cl (Edge, Eugenia) (Entered: 05/25/2006)
06/02/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered terminating <u>27</u> Motion for Leave to File; (Lyness, Paul) (Entered: 06/02/2006)
07/26/2006	(39)	NOTICE of Appearance by Kurt M. Mullen on behalf of American Home Assurance Company (Mullen, Kurt) (Entered: 07/26/2006)
07/26/2006	(40)	Assented to MOTION for Extension of Time to September 29, 2006 to Complete Discovery by American Home Assurance Company.(Mullen, Kurt) (Entered: 07/26/2006)
07/26/2006	(41)	Joint MOTION for Protective Order <i>and Confidentiality Stipulation</i> by American Home Assurance Company. (Attachments: # <u>1</u> Confidentiality Stipulation and Proposed Order)(Mullen, Kurt) (Entered: 07/26/2006)
07/27/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>40</u> Motion for Extension of Time to Complete Discovery, granting as amended by the court <u>41</u> Motion for Protective Order Defendant to disclose its expert witnesses and provide Rule 26 reports by 8/21/06; Discovery to be completed by 9/29/2006. (Lyness, Paul) Modified on 7/27/2006 (Lyness, Paul). (Entered: 07/27/2006)
07/27/2006		Reset Hearings: Status Conference set for 10/12/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 07/27/2006)
07/27/2006		Notice of correction to docket made by Court staff. Correction: The entry made on 7/27/07 granting motion for protective order corrected because: text needs to be modified. (Lyness, Paul) (Entered: 07/27/2006)
07/27/2006	(42)	Judge George A. O'Toole Jr.: ORDER entered. CONFIDENTIALITY STIPULATION AND PROTECTIVE ORDER. (Lyness, Paul) Modified on 7/28/2006 (Edge, Eugenia). (Entered: 07/27/2006)
08/21/2006	(43) TR	ANSRIPT of Hearing held on January 30, 2006 before Judge O'Toole. Court Reporter: Marie L. Cloonan. The original transcripts are maintained in the case file

		in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/439-7086 or the Clerk's Office. (Scalfani, Deborah) (Entered: 08/21/2006)
08/24/2006	(44)	MOTION for Summary Judgment by American Home Assurance Company. (Deschenes, Gregory) (Entered: 08/24/2006)
08/24/2006	(45)	Statement of Material Facts L.R. 56.1 re 44 MOTION for Summary Judgment filed by American Home Assurance Company. (Deschenes, Gregory) (Entered: 08/24/2006)
08/24/2006	(46)	MEMORANDUM in Support re 44 MOTION for Summary Judgment filed by American Home Assurance Company. (Deschenes, Gregory) (Entered: 08/24/2006)
08/24/2006	(47)	MOTION to Stay <i>Discovery</i> by American Home Assurance Company.(Deschenes, Gregory) (Entered: 08/24/2006)
08/24/2006	(48)	MEMORANDUM in Support re 47 MOTION to Stay <i>Discovery</i> filed by American Home Assurance Company. (Deschenes, Gregory) (Entered: 08/24/2006)
09/07/2006	(49)	Insituform's Response re 47 MOTION to Stay <i>Discovery</i> filed by Insituform Technologies, Inc. (Martin, Stanley) Modified on 9/8/2006 (Edge, Eugenia). (Entered: 09/07/2006)
09/07/2006	(50)	RESPONSE to Motion re 44 MOTION for Summary Judgment <i>Insituform's Memo in Response to American Home's Motion for Summary Judgment and in Support of its Cross Motion for Summary Judgment</i> filed by all plaintiffs. (Martin, Stanley) (Entered: 09/07/2006)
09/07/2006	(51)	<i>Plaintiff's Cross Motion for Summary Judgment</i> by all plaintiffs.(Martin, Stanley) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/07/2006)
09/07/2006	(52)	Statement of Material Facts L.R. 56.1 re 44 MOTION for Summary Judgment <i>Insituform's Local Rule 56.1 Response to American Home's Statement of Undisputed Facts and Insituform's Additional Undisputed Material Facts</i> filed by all plaintiffs. (Martin, Stanley) (Entered: 09/07/2006)
09/07/2006	(53)	AFFIDAVIT of Tom Porzio in Support re 51 MOTION for Summary Judgment <i>Plaintiff's Cross Motion for Summary Judgment Affidavit of Tom Porzio in Support of Insituform' Memorandum in Response to American Home's Motion for Summary Judgment and in Support of its Cross Motion for Summary Judgment</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 09/07/2006)
09/07/2006	(54)	AFFIDAVIT in Support re 51 MOTION for Summary Judgment <i>Plaintiff's Cross Motion for Summary Judgment Affidavit of Chris Campos in Support of Insituform's Memorandum in Response to American Home's Motion for Summary Judgment and in Support of its Cross Motion for Summary Judgment</i> filed by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit Exhibit to Campos Affidvit)(Martin, Stanley) (Entered: 09/07/2006)
09/07/2006	(55)	CERTIFICATE OF SERVICE by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 09/07/2006)
09/07/2006	(56)	APPENDIX/EXHIBIT re 51 MOTION for Summary Judgment <i>Plaintiff's Cross Motion for Summary Judgment This is Exhibit A to Plaintiff's Cross Motion for Summary Judgment</i> by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 09/07/2006)

09/21/2006	(57)	Opposition re <u>51</u> <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by American Home Assurance Company. (Deschenes, Gregory) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/21/2006)
09/21/2006	(58)	MEMORANDUM in Opposition re <u>51</u> <i>Plaintiff's Cross Motion for Summary Judgment and in Further Support of American Home's Motion for Summary Judgment</i> filed by American Home Assurance Company. (Deschenes, Gregory) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/21/2006)
09/21/2006	(59)	AFFIDAVIT of Gregory P. Deschenes in Opposition re <u>51</u> <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by American Home Assurance Company. (Deschenes, Gregory) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/21/2006)
09/21/2006	(60)	AFFIDAVIT of Kurt M. Mullen in Opposition re <u>51</u> <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M)(Deschenes, Gregory) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/21/2006)
09/21/2006	(61)	Statement of Material Facts L.R. 56.1 re <u>51</u> <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by American Home Assurance Company. (Deschenes, Gregory) Modified on 9/22/2006 (Edge, Eugenia). (Entered: 09/21/2006)
09/21/2006	(62)	Assented to REPLY to Response to Motion re <u>47</u> <i>MOTION to Stay Discovery</i> filed by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit Proposed Reply Memorandum)(Mullen, Kurt) (Entered: 09/21/2006)
10/06/2006	(63)	Assented to MOTION for Leave to File <i>Reply Memorandum in Support of Cross-Motion for Summary Judgment</i> by Insituform Technologies, Inc..(Philbrick, Charles) (Entered: 10/06/2006)
10/06/2006	(64)	**Duplicative to docket entry #65** REPLY to Response to Motion re <u>63</u> Assented to MOTION for Leave to File <i>Reply Memorandum in Support of Cross-Motion for Summary Judgment</i> filed by Insituform Technologies, Inc.. (Philbrick, Charles) Modified on 10/11/2006 (Edge, Eugenia). (Entered: 10/06/2006)
10/10/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>63</u> Motion for Leave to File: Document which leave has been granted has been filed by counsel. (Dkt.No #64) (Lyness, Paul) Modified on 10/10/2006 (Edge, Eugenia). (Entered: 10/10/2006)
10/10/2006	(65)	Assented to MEMORANDUM in Support re <u>63</u> Assented to MOTION for Leave to File <i>Reply Memorandum in Support of Cross-Motion for Summary Judgment - Leave to Filed Granted 10/10/06</i> filed by Insituform Technologies, Inc.. (Philbrick, Charles) (Entered: 10/10/2006)
10/10/2006		SetHearings: The status conference scheduled for October 12,2006 at 2:00 pm is cancelled. A hearing on all pending motions has been set for 11/20/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please make the change in your calendar. (Lyness, Paul) Modified on 10/11/2006 (Edge, Eugenia). (Entered: 10/10/2006)
11/16/2006	(66)	MOTION for Leave to File <i>Reply Memorandum in Support of its Motion for Summary Judgment</i> by American Home Assurance Company. (Attachments: # <u>1</u>

		Exhibit A (Reply Memorandum)# 2 Exhibit 1 to Reply Memorandum)(Deschenes, Gregory) (Entered: 11/16/2006)
11/20/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing held on 11/20/2006 re <u>51</u> MOTION for Summary Judgment <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by Insituform Technologies, Inc., <u>44</u> MOTION for Summary Judgment filed by American Home Assurance Company., <u>66</u> MOTION for Leave to File <i>Reply Memorandum in Support of its Motion for Summary Judgment</i> filed by American Home Assurance Company., <u>47</u> MOTION to Stay <i>Discovery</i> filed by American Home Assurance Company.. The court takes the matter under advisement. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 11/21/2006)
01/08/2007	<u>67</u>	MOTION for Leave to File <i>Supplement of Record in Opposition to Insituform's Cross-Motion for Summary Judgment</i> by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit A - American Home Assurance Company's Supplemental Memorandum in Support of Its Opposition to Insituform's Cross-Motion for Summary Judgment# <u>2</u> Exhibit B - Affidavit of Kurt M. Mullen# <u>3</u> Exhibit 1 to Affidavit# <u>4</u> Exhibit 2 to Affidavit)(Mullen, Kurt) (Entered: 01/08/2007)
01/22/2007	<u>68</u>	RESPONSE to Motion re <u>67</u> MOTION for Leave to File <i>Supplement of Record in Opposition to Insituform's Cross-Motion for Summary Judgment [Insituform's Objection and Response to American Home's Motion for Leave to Supplement the Record and Certificate of Service]</i> filed by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 01/22/2007)
07/06/2007	<u>69</u>	MOTION Insituform's Motion for Leave to Supplement the Record in Support of its Cross-Motion for Summary Judgment by Insituform Technologies, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit 1 - Part 1 to Exhibit B# <u>4</u> Exhibit 1 - Part 2 to Exhibit B# <u>5</u> Exhibit 1 - Part 3 to Exhibit B# <u>6</u> Exhibit 1 - Part 4 to Exhibit B# <u>7</u> Exhibit 2 - Part 1 of Exhibit B# <u>8</u> Exhibit 2 - Part 2 of Exhibit B) (Philbrick, Charles) (Entered: 07/06/2007)
07/20/2007	<u>70</u>	Opposition re <u>69</u> MOTION Insituform's Motion for Leave to Supplement the Record in Support of its Cross-Motion for Summary Judgment filed by American Home Assurance Company. (Mullen, Kurt) (Entered: 07/20/2007)
07/20/2007	<u>71</u>	AFFIDAVIT of Kurt M. Mullen in Opposition re <u>69</u> MOTION Insituform's Motion for Leave to Supplement the Record in Support of its Cross-Motion for Summary Judgment filed by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Mullen, Kurt) (Entered: 07/20/2007)
09/28/2007	<u>72</u>	Judge George A. O'Toole Jr.: OPINION AND ORDER entered. The plaintiff's cross motion for summary judgment (dkt. no 51) GRANTED with respect to liability and DENIED with respect to damages. The defendant's motion for summary judgment (dkt. no. 44) is DENIED. Motions terminated: <u>44</u> MOTION for Summary Judgment filed by American Home Assurance Company, <u>51</u> MOTION for Summary Judgment <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by Insituform Technologies, Inc..(Lyness, Paul) (Entered: 10/01/2007)
09/28/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered finding as moot <u>47</u> Motion to Stay; denying <u>66</u> Motion for Leave to File; ; denying <u>67</u> Motion for Leave to File; ; denying <u>69</u> Motion (Lyness, Paul) (Entered: 10/01/2007)
10/01/2007		ELECTRONIC NOTICE of Hearing :Status Conference set for 11/19/2007 02:00

		PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 10/01/2007)
11/19/2007		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Status Conference held on 11/19/2007. For Plaintiff: Charles Philbrick; For Defendant: Kurt Mullen and Gregory Deschenes. Final Pretrial Conference set for 1/24/2008 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Jury Trial set for 2/4/2008 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Marcia Patrisso.) (Lyness, Paul) (Entered: 11/20/2007)
12/21/2007	(73)	Disclosure pursuant to Rule 26 by American Home Assurance Company. (Mullen, Kurt) (Entered: 12/21/2007)
12/26/2007	(74)	Disclosure pursuant to Rule 26 by Insituform Technologies, Inc.. (Philbrick, Charles) (Entered: 12/26/2007)
01/04/2008	(75)	Objection to 73 Disclosure pursuant to Rule 26 by Insituform Technologies, Inc.. (Philbrick, Charles) (Entered: 01/04/2008)
01/08/2008	(76)	MOTION to Continue Trial Date to To Be Determined by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 01/08/2008)
01/08/2008	(77)	AFFIDAVIT of David A. Martin in Support re 76 MOTION to Continue Trial Date to To Be Determined filed by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B Part 1, # 3 Exhibit B Part 2, # 4 Exhibit B Part 3) (Martin, Stanley) (Entered: 01/08/2008)
01/08/2008	(78)	AFFIDAVIT of David F. Morris in Support re 76 MOTION to Continue Trial Date to To Be Determined filed by Insituform Technologies, Inc.. (Attachments: # 1 Exhibit Part 1, # 2 Exhibit Part 2, # 3 Exhibit Part 3) (Martin, Stanley) (Entered: 01/08/2008)
01/16/2008	(79)	PRETRIAL MEMORANDUM by Insituform Technologies, Inc.. (Martin, Stanley) (Entered: 01/16/2008)
01/16/2008	(80)	CERTIFICATE OF SERVICE by Insituform Technologies, Inc. re 79 Pretrial Memorandum. (Martin, Stanley) (Entered: 01/16/2008)
01/18/2008	(81)	RESPONSE to Motion re 76 MOTION to Continue Trial Date to To Be Determined filed by American Home Assurance Company. (Deschenes, Gregory) (Entered: 01/18/2008)
01/18/2008	(82)	MOTION in Limine to Exclude All Evidence Concerning Plaintiff's New Consequential Damages Claim and for Imposition of Sanctions Against Plaintiff and its Counsel by American Home Assurance Company. (Deschenes, Gregory) (Entered: 01/18/2008)
01/18/2008	(83)	MOTION in Limine to Exclude All Evidence Concerning American Home's Claims Handling by American Home Assurance Company. (Deschenes, Gregory) (Entered: 01/18/2008)
01/18/2008	(84)	AFFIDAVIT in Opposition re 76 MOTION to Continue Trial Date to To Be Determined filed by American Home Assurance Company. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8 (Part 1 of 2), # 9 Exhibit 8 (Part 2 of 2), # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11) (Deschenes, Gregory) (Entered: 01/18/2008)

01/18/2008	<u>85</u>	AFFIDAVIT of Gregory P. Deschenes in Support re <u>82</u> MOTION in Limine to Exclude All Evidence Concerning Plaintiff's New Consequential Damages Claim and for Imposition of Sanctions Against Plaintiff and its Counsel filed by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8 (Part 1 of 2), # <u>9</u> Exhibit 8 (Part 2 of 2), # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11) (Deschenes, Gregory) (Entered: 01/18/2008)
01/23/2008	<u>86</u>	Assented to MOTION for Leave to File Reply in Support of Motion to Continue Trial Date and Amend Case Schedule by Insituform Technologies, Inc.. (Attachments: # <u>1</u> Exhibit Reply Memo)(Philbrick, Charles) (Entered: 01/23/2008)
01/24/2008		Electronic Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Final Pretrial Conference held on 1/24/2008, The motion for leave to file reply (#86) is GRANTED. The motion to continue the trial (# 76) is DENIED. The motion in Limine to Exclude all Evidence Concerning Plaintiff's New Consequential Damages Claim and for Imposition of Sanctions against Plaintiff and its Counsel is MOOTED in light of the court's ruling on document no.#76. Plaintiff to respond to defendant's Motion in Limine (#83) by 1/31/08. Briefs by counsel are due by 1/31/08. Motions terminated: <u>76</u> MOTION to Continue Trial Date to To Be Determined filed by Insituform Technologies, Inc., <u>86</u> Assented to MOTION for Leave to File Reply in Support of Motion to Continue Trial Date and Amend Case Schedule filed by Insituform Technologies, Inc., <u>82</u> MOTION in Limine to Exclude All Evidence Concerning Plaintiff's New Consequential Damages Claim and for Imposition of Sanctions Against Plaintiff and its Counsel filed by American Home Assurance Company. (Court Reporter: Marcia Patrisso.) (Attorneys present: For Plaintiff: Charles Philbrick; For Defendant: Gregory Deschenes and Kurt Mullen) (Lyness, Paul) (Entered: 01/25/2008)
01/25/2008	<u>87</u>	MOTION in Limine to Limit Chris Campos' Testimony by American Home Assurance Company. (Attachments: # <u>1</u> Affidavit of Kurt M. Mullen, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4)(Mullen, Kurt) (Entered: 01/25/2008)
01/29/2008	<u>88</u>	TRANSCRIPT of Final Pretrial Conference held on January 24, 2008 before Judge O'Toole. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) (Entered: 01/29/2008)
02/01/2008		Electronic Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Status Conference held on 2/1/2008. Parties have Stipulated in the amount of damages(\$6,054,899.68). Counsel will file a proposed order if they are able to agree as to the prejudgment interest. If there is no agreement, counsel to file their submissions to the court by 2/25/08 for review. For the purpose of clarity, the previous ruling on #83 is reconsidered. Motion is granted in so far as it sought to preclude plaintiff from seeking to prove consequential damages, and is otherwise denied. The jury trial scheduled for 2/4/08 is cancelled. (Court Reporter: Marcia Patrisso.)(Attorneys present: For Plaintiff: Charles Philbrick; For Defendant: Gregory Deschenes and Kurt Mullen;) (Lyness, Paul) (Entered: 02/01/2008)
02/19/2008	<u>89</u>	TRANSCRIPT of Status Conference held on February 1, 2008 before Judge O'Toole. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/19/2008)

02/25/2008	<u>90</u>	STATEMENT of facts (<i>Insituform's Statement of Undisputed Facts Regarding the Amount of Prejudgment Interest to be Awarded</i>). (Philbrick, Charles) (Entered: 02/25/2008)
02/25/2008	<u>91</u>	BRIEF by Insituform Technologies, Inc. (<i>Insituform's Memorandum Regarding The Amount of Prejudgment Interest to be Awarded</i>). (Attachments: # <u>1</u> Exhibit Exhibit 6)(Philbrick, Charles) (Entered: 02/25/2008)
02/25/2008	<u>92</u>	AFFIDAVIT of Larry Mangels by Insituform Technologies, Inc.. (Attachments: # <u>1</u> Exhibit Exhibits To The Affidavit of Larry Mangels)(Philbrick, Charles) (Entered: 02/25/2008)
02/25/2008	<u>93</u>	BRIEF by American Home Assurance Company <i>Addressing Choice of Law and Predjudgment Interest Calculation Issues</i> . (Deschenes, Gregory) (Entered: 02/25/2008)
02/25/2008	<u>94</u>	AFFIDAVIT of Charles L. Philbrick by Insituform Technologies, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Philbrick, Charles) (Entered: 02/25/2008)
02/25/2008	<u>95</u>	AFFIDAVIT of Gregory P. Deschenes re <u>93</u> Brief <i>Addressing Choice of Law and Predjudgment interest Calculation Issues</i> by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Deschenes, Gregory) (Entered: 02/25/2008)
02/25/2008	<u>96</u>	AFFIDAVIT of Margaret Hoeler re <u>93</u> Brief <i>Addressing Choice of Law and Predjudgment Interest Calculation Issues</i> by American Home Assurance Company. (Deschenes, Gregory) (Entered: 02/25/2008)
03/31/2008	<u>97</u>	Judge George A. OToole, Jr: ORDER REGARDING PREJUDGMENT INTEREST entered. (Lyness, Paul) (Entered: 03/31/2008)
03/31/2008	<u>98</u>	Judge George A. OToole, Jr: ORDER entered. JUDGMENT in favor of Plaintiff against Defendant(Lyness, Paul) (Entered: 03/31/2008)
04/10/2008	<u>99</u>	Assented to MOTION to Stay <i>Execution of Judgment</i> by American Home Assurance Company.(Deschenes, Gregory) (Entered: 04/10/2008)
04/11/2008		Judge George A. OToole, Jr: Electronic ORDER entered granting <u>99</u> Motion to Stay. (Edge, Eugenia) (Entered: 04/11/2008)
04/25/2008	<u>100</u>	NOTICE OF APPEAL as to <u>98</u> Judgment by American Home Assurance Company NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/15/2008. (Deschenes, Gregory) (Entered: 04/25/2008)
04/25/2008		Filing fee: \$ 455.00, receipt number BST003195 for <u>100</u> Notice of Appeal. (Russo, Patricia) (Entered: 04/25/2008)
04/25/2008	<u>101</u>	Assented to MOTION for Bond <i>Approval and Stay of Execution of Judgment Pending Appeal</i> by American Home Assurance Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Deschenes, Gregory) (Entered: 04/25/2008)
04/29/2008		Judge George A. OToole, Jr: Electronic ORDER entered granting <u>101</u> Motion for Approval of Supersedeas Bond and Stay of Execution of Judgment Pending Appeal. (Edge, Eugenia) (Entered: 04/30/2008)

04/29/2008	<u>102</u>	Supersedeas BOND in the amount of \$ 7,683,817.04 posted by American Home Assurance Company (Attachments: # <u>1</u> Bond # 09-E-1026706, # <u>2</u> Justification of Surety, # <u>3</u> Acceptance and Filing of Bond) (Edge, Eugenia) (Entered: 04/30/2008)
05/05/2008	<u>103</u>	TRANSCRIPT ORDER FORM by American Home Assurance Company for proceedings held on 01/19/2005, 11/20/2006, 11/19/2007 before Judge Hon. George A. O'Toole, Jr., (Mullen, Kurt) (Entered: 05/05/2008)
05/08/2008	<u>104</u>	<i>Insituform's</i> NOTICE OF APPEAL as to <u>98</u> Judgment, <u>97</u> Order by American Home Assurance Company NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/28/2008. (Martin, Stanley) (Entered: 05/08/2008)
05/08/2008		Filing fee/payment: \$ 455.00, receipt number BST003454 for <u>104</u> Notice of Appeal, (Russo, Patricia) (Entered: 05/08/2008)
05/14/2008		Remark: Case compiled and forwarded to J. Ramos (Edge, Eugenia) (Entered: 05/14/2008)